

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/B2005/000666	International filing date (day/month/year) 16.03.2005	Priority date (day/month/year) 24.03.2004
International Patent Classification (IPC) or both national classification and IPC B60K6/04		
Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	 Wagner, H Telephone No. +31 70 340-4185

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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V.**

1 Reference is made to the following document:

D1 : US 5 951 614 A (TABATA ET AL) 14 September 1999 (1999-09-14)

2 Document D1, which is considered to represent the most relevant state of the art, discloses:

a control apparatus for a hybrid drive unit with learning means for learning a relationship between an hydraulic pressure and a reduction of input torque.

From this, the subject-matter of independent claim 1 differs in that:

a motor is connected to an output member connected to a main power source through a torque transmitting member whose torque capacity is changed according to an engagement control amount, comprising:

maintaining means for maintaining a rotational speed of the motor at a predetermined rotational speed;

changing means for continuously changing the engagement control amount while the maintaining means maintains the rotational speed of the motor at the predetermined rotational speed; and

learning means for learning a relationship between output torque of the motor for maintaining the rotational speed of the motor at the predetermined rotational speed and the engagement control amount when the output torque of the motor reaches a predetermined value while the engagement control amount is changed.

2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as:

that shocks in the parallel (electric) branch of the drive and driver discomfort are avoided by controlling the torque of the clutch.

2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

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AUTHORITY (SEPARATE SHEET)**

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The prior art does neither propose an arrangement with learning means for the clutch control between the motor and the drive, nor does it render obvious.

- 2.3 Claims 2-4 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
  
- 3 The subject matter of the independent claims 5 and 6 meets the requirements of Art. 33(2) and 33(3) PCT for the same reasons as above.